Environmental Policy With Integrity:
A Lesson from the Discursive Dilemma

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ABSTRACT

In response to what has been called the discursive dilemma, Christian List has argued that the nature of the public agenda facing deliberative bodies indicates the appropriate form of decision procedure or deliberative process. In this paper I consider the particular case of environmental policy where we are faced with pressures not only from deliberators and stakeholders, but also in response to dynamic changes in the environment itself. As a consequence of this dilemma I argue that insofar as the focus of a policy forming body is on the formation of viable environmental policy, rather than on a set of pre-existent ideological commitments, deliberative agents should be responsive as a unified body to the pressures of precedent, the best available science, and their own best individual judgments. In the case of environmental policy the dilemma pressures deliberative bodies to display what Ronald Dworkin has called integrity even in cases where this requires those deliberative bodies to sacrifice being maximally responsive to the preferences of individual deliberators.

KEYWORDS

Policy, integrity, dilemma, deliberation

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Environmental policy provides a particularly interesting challenge for deliberative bodies. The focus of such policy is on features of the world in which all those subject to the policy have an interest, and only derivatively on the deliberators themselves or the interests those subject to a policy have in those features. From wetland management to wilderness preservation to toxic cleanup to urban greenspace restoration, there is a clear need to balance the pressures of stakeholder deliberation with the pressures presented by the non-human world. Of course determinations of environmental policy are not a matter of determining the way the world is – presumably that is the job of science. Rather, determination of environmental policy involves determining what to do, as a body politic, about some matter given the way the world is.

In recent work, Christian List and Philip Pettit have discussed a dilemma that arises in the collectivisation of individual decisions (List and Pettit 2006). The dilemma shows just how difficult it is for the collective body those individuals constitute to display what Ronald Dworkin refers to as integrity (Dworkin 1986; see also Kornhauser and Sager 2004; List and Pettit 2005). Separately, List (2006) has argued that the nature of the public agenda facing such deliberative bodies indicates the appropriate form of deliberative process. The position I defend in this paper constitutes a development of these claims for the particular case of environmental policy. We will see a compelling case, inspired by recent results in decision theory, for the sort of civically engaged policy formation advocated by Bryan Norton (2005), Mark Sagoff (2004), Deane Curtin (1999) and others. The balance between political interests and the values inextricably tied to those interests, on the one hand, and our best scientific understanding of the features of the world that serve as the objects of those interests, on the other, gives environmental policy determination characteristics that allow for a particularly forceful appeal to Dworkin-styled integrity. Because of the restrictions placed on the nature of the public agenda, restrictions appropriate to the case of environmental policy but perhaps not otherwise, I make no claims as to how widely the heuristic I here recommend might be applied.

I shall consider first the general form of what has been called the discursive dilemma. In the three sections that follow I shall argue that the better horn of the dilemma for environmental policy advises integration – deliberating as a body – with important caveats. I shall argue that in the case of environmental policy, where the viability of long-term policy requires that we be sensitive both to the dynamic environment itself and to the judgments of deliberators, deliberative bodies should be pressured to display integrity in

their policy determinations.[1] Coherent long-term policies require more than simple responsiveness to the individuals subject to them; they require stability over time. We will see below that stability of policy provides a means to hold accountable the policy-making body as a whole. And holding that group accountable as a whole indicates the need for an integrative strategy, even at the expense of being maximally responsive to the interests of individual deliberators. I shall conclude by noting that environmental policy sensibly created should be tightly constrained both by pressures of human deliberations and preferences as well as by our understanding of the ecological facts on the ground, and these facts indicate that sometimes abiding by past collective judgments may not be the best course of action; sometimes precedent advises poorly.[2] Our collective understanding of the best available science, our best means of determining the relevant facts, should have as much to say about policy decisions as individual deliberators. If the scope of deliberation is limited to matters of environmental policy the pressure to integrate takes a particularly compelling form, with exceptions occurring when there must be a determination not of policy, but of fact.

A CHALLENGE FOR COLLECTIVISATION:
THE DISCURSIVE DILEMMA

Insofar as we desire to reflect in our policies the variety of values held by stakeholders, we have good reason to integrate those varied values, to come to a unified course of action on the basis of, or perhaps despite, those multiple values. This, then, is the hope of any procedure by which we collectivise our various perspectives on matters of common concern: the development of a single policy decision with which we can all live, formed from the collectivisation of the various factors at play in our decision making. When we attempt to integrate a plurality of perspectives we are faced with a problem that arises in many cases where we attempt to come to an integrated collective decision by aggregating individual judgments.[3] Following Pettit and List (2006), I present the problem in the form a dilemma compelling framers of policy to choose between having a policy that displays integrity, and being maximally responsive to individual decisions (See also Pettit 2001: 107f; List 2006). A paradigm case of this dilemma is as follows.[4]

Let there be three experts making a determination as to whether a wolf hunt should be reintroduced in the state of Idaho. To make this decision they must decide both whether the wolf population is above some threshold, say,

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the numbers necessary to sustain itself, and whether it is the case that if the wolf population is above that threshold that a limited wolf hunt should be allowed. More formally,

Idaho Wolf Hunt

P1:   The wolf population in Idaho has exceeded the numbers necessary to sustain itself.

P2:   If the wolf population in Idaho has exceeded the numbers necessary to sustain itself, then limited wolf hunting should be allowed.

C: Limited wolf hunting should be allowed

In this case the premises are jointly sufficient for the conclusion. Suppose three deliberators answer in accordance with the following decision matrix, where C indicates the conclusion drawn by each of the deliberators, D1, D2 and D3, and 'decision' indicates the majoritarian decision over each of the premises and conclusion:

	P1	P2	C
D1	T	F	F
D2	F	T	F
D3	T	T	T
Decision	T	T	?

Suppose we ask whether we should institute a wolf hunt. At what decision does the deliberative body arrive? If we collectivise the experts' decisions along the column headed, 'C', that is, if we aggregate on the conclusions reached by each of the deliberators, we would determine on majoritarian grounds that there should be no hunt (2 votes against, 1 vote for).[5] However, if we collectivise according to the *reasons* (P1, P2) the deliberators have for coming to their individual conclusions the situation is quite different. If we determine what to do based on an integration of their premises and then arrive at a conclusion on that basis – come to an 'integrated conclusion' in the language I am using – then we will affirm the conclusion. Each consideration has two votes for and one vote against. It would then follow that the collective decision is in favour of a wolf hunt. So what should we conclude? The answer is not clear. The procedure by which we collectivise decisions determines the outcome, and the choice of procedure is underdetermined.[6]

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The decision matrix above indicates that deliberators are either unreasonable collectively, or unreasonable individually. There is no mode of gathering (that is, collectivising) individual decisions into a collective decision such that that collective decision is maximally sensitive both to individual deliberators' conclusions and to the premises on which those deliberators rely. If the deliberating body of experts allows individual conclusions to drive the decision then the group as a body fails to satisfy reason. The deliberating body would collectively endorse premises that imply a conclusion it collectively rejects. In doing so, it would run the risk of endorsing inconsistent or incoherent premises, principles, actions and policies. We are familiar with the pains of individual 'unreason', but collective unreason is similarly painful. It hampers our ability to deliberate collectively, to come to common decisions with which we can all live and which advance policies worth having. In such a case the body fails to have Dworkinian integrity.[7] This follows, notably, even if the experts are entirely consistent in their own individual decision making.

Faced with the disquieting prospect of collective unreason, the only alternative is to collectivise the premises. However, premise collectivisation fails to recognise the conclusions correctly drawn by the individual deliberators from their individual premises, from their individual perspectives on the issue. This strategy requires that the conclusion of their collective deliberations fails to be maximally responsive to their individual decisions. We have our dilemma. Either deliberators compromise sensitivity to their own deliberations, thereby sacrificing individual rationality, or sacrifice collective reason. The contrast between the horns of the discursive dilemma amounts to a contrast between what have been referred to as a conclusion driven procedure on the one hand, where we accept the possibility of collective unreason for the sake of being maximally responsive to individual conclusions, and a premise driven procedure on the other, where we risk individual unreason by requiring consistency at the level of group deliberation (Pettit and Schweikard 2006).

In the remainder of this paper I shall argue that the integrative, premise-based approach is generally more desirable for environmental policy. The wide applicability of the dilemma shows that to deliberate as a body we must do more than vote on a conclusion; we must integrate at the level of reasons, and deliberate *collectively* from there. Integration allows for collective decisions to be shaped by prior collective decisions. A stable policy, reasonably consistent across time toward a common purpose, is more likely to result from integration at the level of reasons than from aggregation at the level of individual conclusions. This is not to say that policy should

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be resistant to all revision, or that it should fail to be adaptive to rapidly changing environmental and political conditions. I take it as a platitude that environmental policy must fit with the relevant features of the world if it is to be successful in the long term. Stability over time requires that policy be tailored to the object of its concern, the environment. But policy should also have enough continuity with past policy that it can serve its political purposes. Given this dilemma there is good reason to think that for the sake of whatever collective ends are instantiated by stable environmental policy these individual conclusions must be reigned in. If we are to come to a robust common conclusion, a decision that is adequately coherent over time, those representing the differing values must accept, at some point, the authority of the common view over their own determinations. This provides evidence for the viability of both the premise driven approach, theoretically, and the importance of public deliberation, practically.

My argument proceeds on three fronts. First, insofar as policy makers are answerable for policy as a body, the body must be responsive to reasons, and (with the appropriate caveats) a premise driven account seems more viable. Second, for long term policies responsive to their common object of concern rather than the deliberators themselves, we should expect integrative models to be more appropriate. Third, presuming the desirability of publicly accessible reasons, the integrative approach better accommodates a publicity constraint on policy deliberation. In the next three sections I shall consider these issues in turn.

PRECEDENT AND COLLECTIVE ACCOUNTABILITY

In pointing to an integrative approach as a resolution to the discursive dilemma I have suggested that we should hold policy making bodies accountable collectively. But, one might object, why not rely on individual deliberators and hold them, as individuals, answerable for the policies they form as a group? The relationship between distinctively *collective* accountability and precedent provides an answer, the significance of which can be seen in a compelling example, presented by Mark Sagoff (2004: 201–31), that underscored the importance of collective accountability for success and stability of policy.[8] When citizens of Quincy, California, came together to form the Quincy Library Group, with the purpose of bringing together stakeholders to consider developing satisfactory local forest policy, they accepted that they would be held accountable, as a body, for the viability of their forest policy. They came with divergent viewpoints, but also with common interests

in mitigating the damage to their local forests caused by misguided forest policy and in developing a plan, with which they could all live, for future use of their forest. Sagoff tells a compelling tale of former adversaries working together. However, their efforts were later undermined by ideologically driven national interests. Once accountability shifted away from a decision-making body, united by a common interest in the object of their deliberation, policy ceased to be stable. Intractable disagreement took place between national preservationist organisations, the National Forest Service, and other interest groups.[9] There remained no viable forest management plan as competing interest groups battled for control of forest policy at the national level. Deliberation became based on fixed and unshakeable ideals and political goals rather than the interests of those subject to the policy, represented by the Quincy Library Group, and their best understanding of the ecological facts. Coherence with previous decision, with the relevant science, and with local interest became decreasingly relevant. The fruits of deliberation could no longer be attributed to the body collectively representing the appropriate interests. When stability failed, policy failed. There was no body to hold accountable for the resultant policy. The lesson to draw from Sagoff's case study is this: stable plans come from collective deliberation, and collective deliberation requires collective accountability.[10] Collective accountability requires collective appeal to justification, and this is better accommodated through an integrative approach to collectivisation.

Of course, one may decide to break precedent because maintaining a policy is not worth the cost (values have changed), or because circumstances have changed (or are not what we thought they were), or because that policy generated some problem that a revised policy might avoid. In any event there must be *some* reason for breaking or changing policy. If this is so then deliberators should take earlier decisions into account in their own deliberative process. Deliberators should *respond* to the pressures of precedent, participant interest and circumstance with new policy. Insofar as these changes are reflected in a collective response to those pressures, the policy that results must be the result of a collective decision. Relying on precedent, deviating when there is a well-considered revision of judgment, the recognition of some error on the part of deliberators, or the discovery or acknowledgment of some relevant fact, will provide a more coherent policy diachronically. And some pressure toward diachronic coherence will help make policy stable, and predictable.

It seems clear that a set of policies that are stable through time will be more likely to succeed.[11] This stability is tied to holding deliberators accountable collectively, as a body. Stability of policy requires some form of

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responsiveness to precedent, and collective responsiveness to precedent leads to collective accountability. Being held accountable for policy made compels the provision of some justification of maintenance, change or violation – and that surely encourages (even if it does not ensure) stability of policy. Moreover, consensually endorsed policy is more likely to be successful, by political measures at least – for it seems clear that people are less likely to undermine or ignore a conclusion endorsed than one that has been thrust upon them (See Minteer 2005: 51–4; see also Sagoff 2004; Van Totenhove and Leroy 2003; Minteer and Manning 1999). Inclusive integrative approaches to deliberation should better accomplish both stakeholder involvement and collective accountability, encouraging stability over the long term (Arias-Maldonado 2007: 242–3). Without the pressures of precedent driving policy, and the consensual collaborative pressures on policy provided by involved stakeholders, deliberation would take an aggregative form – disconnected from the past and unresponsive to fellow stakeholders. The policy that results from such deliberation would have little pressure toward diachronic coherence, and therefore little pressure toward diachronic stability. One of the key motivations for integrative, premise-driven approaches is to avoid just this diachronic instability. Stability and the pressures of precedent, therefore, encourage an integrative approach, at least as a general strategy.

One might object that there are particular cases where it is in some sense better to refrain from coming to the table of political deliberation. For example one might be moved to avoid political deliberation when the decision is regarding some matter of science, over which political consensus seems beside the point, or when one takes one's own position to be ideologically unassailable (two cases that will be addressed below). However, in most cases the integrative approach seems likely to be the right course of action, politically, practically and environmentally.

Politically, working together seems the most efficient way to accomplish the formulation of any stable public policy. Insofar as decisions regarding environmental policy are social decisions and set precedent for further social decisions, reasons for policy should be tied to the collective body as a whole, not to the individual agents or factions within the policy-making body. Concerns about consistency and matters of accountability should then be tied to the collective, and the reasons it has for the policy it created. This follows insofar as the purpose of deliberation is policy formation, not *individual* consistency (where individual consistency amounts to a form of dogmatic adherence to a particular ideology). Stability of policy seems to indicate an integrative approach.

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Practically, if one is not able to invoke dictatorial authority, working to-gether seems to provide the best opportunity to advance one's own position. Indeed, dictatorial authority is one way to avoid the dilemma altogether (List, 2006: 378). However, the use of such authority in the formation of policy eschews public accountability – which I take to be a reasonable requirement on any public policy. Public accountability is particularly pressing where that policy is regarding a shared and limited public good subject to a wide range of competing demands. Under dictatorial authority one point of view alone would be represented. And, even if one is confident that their own point of view captures the 'right' values, there is little reason to believe that particular point of view would remain dominant indefinitely.[12] After all, while those who maintain dictatorial control may be immune to political oversight on particular decisions, the point of view they represent might well change, following certain obvious political patterns. And with this change, we might expect to see a change in policy. Change of this sort, however, unhinged from precedent and dependent more on competing interest groups than reasonable consideration of the stakeholders' interests or the facts on the ground, is clearly not advisable.

Environmentally, working together provides the best way of addressing the object of concern motivating the formation of policy, namely, whatever environmental feature, resource or problem motivated the formation of policy in the first place. Adaptation of policy to a dynamic object requires making changes to policy that are collectively justifiable not only in light of previous policy determinations and collective decisions, but also in light of changes in the best available environmental science (however defined). Working together means being accountable together, and, as the Quincy Library Group made clear, failing to work together, advancing one's own position at the expense of others, encourages unstable environmental policy. So, recognising the value of working together to form a policy we can all, however reluctantly, accept, we are forced to face the discursive dilemma and forced to face accountability for policy as a collective. We cannot avoid the dilemma by avoiding collective accountability without risking unstable environmental policy.

Insofar as a body making policy is answerable for the policy it makes and the success or failure of that policy *as a body*, a premise-driven account seems generally more viable (See also Minteer 2005: 52f). If we design our policies such that the policy making body is publicly accountable as a body, the reasons relevant to policy deliberation will have to be collective reasons, expressed by the deliberating body in the public arena. It follows that the

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body should be held accountable for that policy in a similarly collective and public manner (List and Pettit 2006).[13]

DEALING WITH DELIBERATORS AND DEALING WITH THE WORLD

One might object that aggregation is often a better way of dealing with certain demands that seem not to rely on precedent. Indeed one would expect that precedent has *no* place in cases where the final judgment is all that matters – better, in such cases, to rely on the decisions of individual experts, that is, better to aggregate than integrate.[14] Following this line of reasoning, suppose the following form of argument is taken to provide adequate support for a policy of habitat preservation.

Habitat Preservation

R1: Habitat should be preserved for the sake of the individual animals within it

R2: Habitat should be preserved for the sake of future human generations

R3: Habitat should be preserved as a matter of stewardship

C: Habitat should be preserved

As, from the point of view of a deliberator, each of these reasons constitutes a sufficient reason to affirm the conclusion, the dilemma arises here in disjunctive form. We might imagine three deliberators whose decisions about these matters conform to the following matrix:

	R1	R2	R3	C
D1	T	F	F	T
D2	F	T	F	T
D3	F	F	T	T
Decision	F	F	F	?

What should we conclude? If we ask the deliberators whether to preserve the habitat, and then collectivise their decisions, we will get an affirmative answer. If we ask them whether the individual animals in the habitat justify its conservation, collectivise the answer to this question, and then proceed

in this manner with each of the other reasons, we will get a negative answer. Should the conclusion of the group reflect the will of the individual deliberators regarding the conclusion, or should the conclusion of the group reflect the values of those individual deliberators? Again, the conclusion is underdetermined by the choices of individual deliberators. In this case deliberators agree *that* the habitat should be preserved, but do not at all agree on the reasons. In this example the outcome seems somehow *prioritised*. Consider that it seems unlikely that any of the deliberators would say that the habitat should not be preserved if for the wrong reasons. The conclusion matters more than the reasons held for that conclusion. As much as the earlier example indicated an integrative approach, this one appears to indicate aggregation; if one does not care about the reasons held, but only about the conclusion, there is little reason to utilise a premise-driven, that is, integrative approach.[15] If the reasons for a judgment are not taken to be significant for matters of policy, an aggregative approach is advisable.

There is a complication, though, which leads us back to the integrative heuristic I have been advocating. We might ask whether, over the long term, we could make policy regarding habitat preservation using merely the conclusions represented in the matrix above. It seems unlikely.[16] How could this model of deliberation provide precedent for further decisions? The guiding principle for policy would seem to be vacuous. While maximally sensitive to the pressures of individual deliberator preferences, there is no room in policy framed in accordance with such a principle to include the pressures of precedent, of the diachronic coherence and stability so essential to viable policy. Indeed there is no room, logically, for anything *but* maximal sensitivity to individual deliberator preferences.

However, if there are cases where a decision is truly 'one-off' such that it is not thought that the reasons invoked in making the decision are relevant to future deliberation, aggregation will be the sensible heuristic. In the above example, insofar as the conclusion is all that matters, such that the decision will not be involved in the development of further policy determinations, then one might be willing to rely on simple aggregation. As a matter of policy determination, such cases are rare indeed. Following the matrix above, if deliberators are determining whether individuals are willing to tolerate habitat preservation (in some sense, in some location), then perhaps the aggregative approach gives more meaningful results than an integrative approach. But, as noted above, using this information for the formation of habitat preservation policy would require appeal to collective justification, and so rely on an integrative strategy.

Yet there are demonstrable epistemological advantages to taking an aggregative approach (List 2006: 380–7). One prototypical class of deliberative situations that seems particularly well suited to a one-off treatment, and therefore indicates aggregation, involves determining matters of fact. In the model presented by List truth tracking is better accomplished by conclusion-driven models. Such models may be appropriate when deliberators are more concerned with getting the right conclusion, and when the deliberation is over simple premises, than with the reasons for one's conclusion. About some matters deliberators are simply more accurate collectively than individually. If the point of deliberation is to get the decision right, where 'right' is spelled out not by appeals to public reason and policy, but to the facts relevant for the particular proposition under consideration, then we would do better to aggregate our individual judgments. Insofar as acceptable environmental policy should be adequately sensitive to features of the world on which that policy is (hopefully) based, one might expect a fairly central role for conclusion-driven approaches (that is, an aggregative strategy). If the point is to get the decision *right*, where 'right' is spelled out not by appeals to public reason and policy, but to the facts relevant to the particular proposition under consideration (e.g., facts of the matter about habitat), then we might well aggregate judgments. In such cases the reasons for making that determination are largely beside the point. Yet this does not hold for complex inferentially connected premises, and therefore for the sorts of premises which can meaningfully serve as precedent; this dramatically limits the range of cases under which the public agenda is suitable for an aggregation strategy. Insofar as we make policy on the basis of those determinations of fact, we should rely again on an integrative strategy.

Unfortunately, treating policy decisions as if they were not matters subject to and relevant as precedent, as if they were not complex political decisions, is an all too common error. Mark Sagoff (2004: 201–31) has persuasively argued that often interest groups come to the table with *their* science in hand. The deliberation of such interest groups, arriving with their conclusions generated from the determinations of their own experts, would generally constitute conclusion-driven deliberation, clearly more suited to the aggregative approach. With ideology entrenched, and science in hand, one would expect that all approach the deliberative process with the unshakeable conviction that they are in the right. In such cases it seems clear that the conclusion has been prioritised. Little progress, and less policy, can be expected if groups enter the political process as competing parties, with no serious interest in common justification, rather than as bodies representing

divergent interests regarding an object of common concern. Matters regarding objects of common concern need to be addressed as a body – not as competing and fragmented interest groups – with potentially more interest in obstruction than solution. The integrative strategy, collectivising at the level of reasons rather than conclusions, provides a means of evading the force of these competing interest groups.[17] With certain caveats, if the focus is to be on the object of concern, and not the individual deliberators, that is, if the focus is on getting the policy right, then there is good reason to adopt an integrative approach. We have seen that environmental policy should be both accountable to precedent and responsive to the non-human world. Crucially, the integrative approach allows policy makers to reflect better the dictates of science over the long term in environmental policy – with the clear caveat that sometimes we must run roughshod over precedent for the sake of the best available science. We must respond to the state of the object of environmental concern; but when we do so, we should do so as a body.

At this point one may object that appeals to 'the best available science' are too simplistic. The precise nature of ecological science, and its potential dependence on a range of political influences (but see Sarewitz 1996, Gundersen 1995, Lee 1993, Norton 2005), has largely here been left undeveloped intentionally. For the purposes of this paper, environmental science is taken to indicate a particular approach to judgments. Judgments of environmental science, on this admittedly rough view, depend for their veracity on the way the world is; they are world-corrected. While recognising that there are complications associated with interpretation and theory dependence as well as political influence, we can contrast the claims made that are thought to reflect the world with those that are thought to reflect the values we have (one can see this contrast clearly in Lee, 1993). The values expressed by individual deliberators are world-correcting, which is just to say that they do not describe what is the case, but rather indicate what ought to be the case. Policy, while informed by our best science, indicates what we should do, and is, therefore, world-correcting. Of course policy and science are often interrelated and even interdependent (see Gunderson, Holling and Light 1995; Sarewitz, Pielke and Byerly 2000; and Sarewitz 1996). For the purposes of this paper, however, the contrast is simply between making judgments as a scientist, such that one is trying to get one's beliefs to track their object, or as someone advancing a set of values. We can hold this rough contrast while still recognising that in the rough and tumble world of environmental politics, science and policy will not always be divided so clearly. Balancing these two pressures, one corrected by the world and the

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other corrected by the values intended to be instantiated in policy, while still satisfying the need for some reliance on precedent, provides a basic challenge for the formation of policy. Conflating these two pressures risks conflicting science and ideology (Sarewitz 2003).

Deliberating in accordance with an aggregative framework risks gridlock, competitive impasse and stubborn entrenchment along lines formed by dogmatic adherence to pre-established positions. Not only is this likely to prevent the development of a stable and general policy, it also seems likely, over the long term, to prevent one from advancing one's own values. If environmental policy is designed primarily to fit to aggregate various ideologically driven perspectives, then, over the long term, one would expect that environmental policy would look like our National Forest Policy, that is, a mess, swinging from one value to the other, with the forests suffering, and burning, in the middle. Following Sagoff's (2004) suggestion, had there been debate at the level of reason and justification, rather than base appeal to ideologically driven conclusion, policy might be markedly more viable, and our forests markedly healthier as a result.

Two conclusions are indicated: first, tracking 'truth' should come from integrative considerations – mitigating the appeal to aggregative approaches and avoiding the rabid intractable conflicts of 'interest group funded' science – and, second, policy as a coherent and consistent approach to environmental matters needs to be responsive *as a whole* to the best science available. Admittedly these concerns are not troubling if there is no expectation of using the justification for a given decision as precedent for future decisions. Deliberating in such a way amounts to restricting the scope of the public agenda to a single decision. In such a case it may be appropriate to aggregate. Once the shift to policy is made, the integrative strategy is clearly more appropriate.

PUBLICITY

We might take this final lesson from the Sagoff's treatment of the Quincy Library Group: if policy solutions are to include stakeholders the reasons used to justify these policies, as well as the deliberative process used to develop them, should be public. As a matter of general political efficacy including stakeholders in deliberation seems appropriate. Without such inclusion one would expect the stakeholders to feel removed from the deliberative process and thereby disenfranchised. Removing those with a common and immedi-

ate interest in a matter of environmental policy will not encourage stable policy; without involvement, without a vested interest, one would not expect stakeholder support in implementation and enforcement of policy. Given that stakeholders have a common interest in a shared object of concern the reasons that serve as justification for a policy regarding that object of common concern should be public (Bulkeley and Mol 2003: 151). Policy is a political, public matter, and the reasons for which decisions are made should be equally public (Sagoff 1988, 2004).

One advantage of the premise-driven approach is that the reasons for a conclusion arrived at by an individual deliberator are part of the public deliberation process. As noted above, there is no way of, or reason for, including these features of the deliberative process in a conclusion-driven approach. Of course one might adopt an aggregative strategy for just this reason, to conceal the reasons why one voted as one did. If the conclusions at which deliberators arrive are all that matter, then the reasons why one made the determinations one made are irrelevant. But this strategy borders on subterfuge. Alternatively, the integration strategy requires that the reasons for one's conclusion be subject to public discourse (Minteer 2005: 51f; Van Totenhove and Leroy 2003; Minteer and Manning 1999). Publicity, as a political value, is more adequately associated with the integrative horn than the aggregative horn. It may seem odd to say that the option more appropriate for public discourse is the one that sacrifices sensitivity to individuals' conclusions for the sake of diachronic consistency. However this is the case. Following an aggregative strategy, once a decision is arrived at, individual decisions, reasons and values are not available for consideration as a matter of the justification of policy. Policies formed through the integrative strategy better respect the values brought into the forum for public debate. Integrative approaches allow for greater publicity in matters of policy justification.

Publicity of reasons may even serve as a means of working against precedent, when necessary, to resolve policy failures (whatever the cause), to justify revisions or change, or to evaluate success. It allows for sensitivity to stakeholders, a sensitivity which makes viable and stable environmental policy vastly more likely. Indeed, if the reasons for justifying a policy are made public, there is public accountability as to how well the policy is being responsive not only to the public, but to the environment. Insofar as there is a particularly compelling case for the publicity of reasons in environmental policy, an integrative resolution to the discursive dilemma is indicated.

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OBJECTIONS

A few objections should be addressed. First, one might claim that environmental science corrects policy – or at least indicates where it has gone wrong – and that a conclusion driven approach allows for easy retraction of earlier, mistaken, positions. Similarly, one might adopt a conclusion-driven approach because it better allows one to advance one's own position on a later occasion. However, 'gaming the system' in either of these ways entails accepting policy not as an endorsed compromise, but as a means of biding one's time until the so-called compromise can be undone. This form of stakeholder involvement tacitly relies on the presumption that one is likely, eventually, to achieve dictatorial control over policy and the public agenda. Neither of these tentative endorsements will promote long term policy, the presumptive focus of any typical matter of environmental policy.

One might object that the conclusion-driven approach is simply more democratic; it reflects the considered judgments of deliberators in their entirety. But this is the unprincipled, unconstrained sense of democracy that has so sensibly worried political philosophers since Plato. It dangerously takes the form of deliberation, not the object of deliberation, as the focus of concern. The need for policy to be sensitive to the object of its concern rather than solely to the preferences of those subject to the policy is one of the hallmarks of environmental policy, and one of the central motivations of this study. Indeed, the somewhat rough appeals to being responsive to the environment are justified by precisely this point. However, as the integrative approach is not maximally responsive to individual deliberators, one might further object that adopting the *premise*-driven approach would alienate those with opposing points of view (List 2006: 364–5). But if the relevant parties are more interested in coming to a solution than advancing their own ideals, this practical concern might well be mitigated.

These four objections contain a common error of focus. The justification for choosing not to adopt a premise-driven approach, and thereby rejecting an integrative strategy, is shaped by the ideals of individual deliberators, rather than by either the public form of public policy or the ecology, the features of the environment, on which these policies are focused. Of course there can be good reasons to adopt the aggregative approach – for particular issues on one-off occasions. But for matters of environmental policy the better strategy is generally integration.

One final worry should be addressed. The contrast between collective rationality and individual rationality may seem to deny the possibility of social learning, of coming personally to endorse collective reasons as one's own or

otherwise change one's position on the basis of interpersonal or collective rational persuasion in a deliberative context (see Gundersen 1995, Lee 1993, Norton 2005). If this is possible, one might argue, the contrast between collective rationality and individual rationality collapses and the choice between integrative and aggregative strategies fails to be dilemmatic.[18]

There is no doubt that deliberation of the cooperative sort outlined here may transform attitudes. This is implicit in the close ties this position has with civic engagement (see also Curtin 1999). While the precise mechanism of social learning, let alone the ecological consequences of that social learning, is well beyond the scope of this study, a few brief comments are warranted. First, we should expect that, in general, social learning in these deliberative contexts would lead individuals to endorse the integrative strategy as a cooperative means of being responsive to alternative viewpoints, precedent, and our best understanding of the environment.[19] Second, even if individuals adopt collective reasons as their own, unless there is uniformity in the reasoners and no distinction, in the deliberative arena, between decisions of the community of deliberators and decisions of the individuals within that community, the logical structure of the dilemma remains. The adoption of a collective reason by an individual, or changes in an individual's reasoning on the basis of deliberation or a collective judgment does not change the contrast between individual and collective reasoners. With the contrast between individual and collective in place the dilemma remains potent. Rather than defuse the dilemma, social learning provides more grist for the integrative approach.

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The discursive dilemma shows that developing a consensus requires bringing deliberators together either at the level of their conclusions or at the level of the reasons deliberators have for those conclusions. But either option has its price. Either we aggregate the conclusions generated from the point of view of those perspectives and risk undermining the long term coherence of any plan or policy, or we integrate the reasons had by individuals occupying those perspectives, and thereby fail to be maximally responsive to their individual conclusions.

I have argued that, in general, the integrative approach is the better horn. We need not worry that this integrative approach unduly restricts deliberators to a radical form of judgment conservativism. Just as in the juridical case we would expect that, over time, judges might be convinced on the basis

of evidence or reason that their previous decisions were wrong, so in the case of environmental policy formation there is both a place for breaking with strict diachronic consistency – one would expect that being adequately responsive to the best science of the day will require this – and a place for refining our conception of what basic values are the right values to hold. Adopting the integrative approach need not conflict with our capacity to learn, both as individuals and as groups. As a consequence of the considerations outlined above there is good reason to expect better long term viability of environmental policy if we adopt an integrative approach than if we adopt an aggregative approach. If deliberators are willing to work together toward a policy, and remain sensitive to long term stability of that policy, the non-human world and the body of deliberators as a whole, then integration is advisable.[20] Insofar as there is a common end, a problem to be resolved, those who hold diverse viewpoints should be compelled to come to a solution with which they can all live.

Moreover, the comparative advisability of an integrative approach to policy formation serves as a further justification of the shift to a more participatory role for individuals.[21] In particular, the considerations of publicity and public accountability that indicate the integrative approach show the close ties between the integrative approach and civically engaged environmental policy. Indeed, this is the conclusion drawn by Minteer (2005), Norton (2005), Sagoff (2004), Van Tatenhove and Leroy (2003), Curtin (1999) and others. What the position advanced in this paper shows is that there are good decision-theoretic reasons to accept their conclusions. While a competitive model of deliberation may prove useful in certain circumstances, in the case of deliberation over environmental policy formation we should look for something more inclusive and more tied to the public justification of policy. The integrative approach provides just the right sort of alternative tool.

Integrative strategies pressure us to hold the deliberative body accountable as a body, to get the facts right as a body, and to maintain standards of publicity in the justification of environmental policy. But that there is pressure toward such strategies does not indicate that we should never aggregate the decisions of individual deliberators. The appropriate form of collectivisation is determined by the nature of the public agenda, the subject matter under deliberation. There may be occasions when one is concerned with a matter more suited to a straw poll, where the opinions of individuals matter more than the reasons they have, or cases where what is needed is no more than a consensus among experts regarding some matter. However, in these cases decisions should be made within the context of a larger integrative strategy. Such exceptions are made because we hold the collective body accountable

not merely to precedent, but also to our best understanding of the way the world is. This collective accountability amounts to an appeal to integrity: policy making bodies, relying both on precedent and on the relevant facts, should be sensitive, as a body, both to deliberative reasons and to facts. We expect good policy to match not only our wants and desires, but also the way the world actually is.

While we must have a sense of the matter under deliberation and the relevant facts on the ground, if the public agenda is limited to matters of environmental policy we should focus on *why* one policy or another is to be chosen. As List puts it, 'People disagree with each other on many levels. They disagree not only on what choices should be made but also on why those choices should be made' (List 2006: 362). Focusing, collectively, on the reasons for one policy rather than another should provide both policy and policy making body with the integrity they ought to have. If we see environmental policy as important as much for the precedent it sets as for the principles it represents and the environment it reflects, then integrity of policy over time and across decisions has much in favour of it. Integration provides the better heuristic for the development of environmental policy with integrity.[22]

NOTES

[1] Determining who counts as a deliberator poses a challenge beyond the scope of this paper. For this concern see Bulkeley and Mol (2003: 151).

[2] We need not invoke anything particularly contentious in invoking 'facts'. The general point here can be expressed with the following rough distinction. Those developing or revising policy will take certain of their claims to be world-corrected, that is, to be true or false entirely in accordance with the way the world is (Darwall, 1998). We can contrast these sorts of claims, claims about what is the case, with claims that are world-correcting, claims about how the world should or ought to be. These latter claims, exemplified by expressions of value, will play a distinctively different role in the formation of policy. The former claims are constrained by the world, by our best understanding of 'the facts' in a way that the latter are not. In this paper I rely on the same distinction regarding matters of judgment.

[3] In what follows I shall use 'collectivisation' to refer to some process of generating a single conclusion from a collection of individual deliberations. I shall use 'integration' to refer to a form of collectivisation that operates at the level of the reasons had by individual parties. And I shall use 'aggregation' to refer to a form of collectivisation that operates at the level of individual conclusions.

[4] List (2006: 367) presents a structurally identical example. See List and Pettit (2006) for the general form of the dilemma. The particular example comes from Idaho Governor C.L. 'Butch' Otter's January 2007 call for a hunt to reduce the Idaho wolf population to just above the population level that would reintroduce Endangered Species Act protections.

[5] List indicates nothing in particular rests on this being majoritarian, only that it satisfies systematicity, one of the basic conditions for the dilemma (List 2006: 375–6). Decision procedures must satisfy a condition he calls 'Universal Domain' which requires that an aggregation procedure accepts as admissible input any logically possible profile of individual sets of judgments; an 'Anonymity' condition requiring that all individuals have equal weight in determining the collective set of judgments; and a 'Systematicity' condition requiring that the aggregation procedure treats all propositions in an even-handed way.

[6] More technically, the outcome is path dependent.

[7] According to Dworkin integrity involves sensitivity, but not blind obedience, to the reasons relied on as justifications for previous decisions. As Dworkin puts it with regard to the way rights and responsibilities are justified under an integrity-based conception of law, '[integrity] argues that rights and responsibilities flow from past decisions and so count as legal, not just when they are explicit in these decisions but also when they follow from the principles of personal and political morality the explicits decisions presuppose by way of justification' (1986: 96). Reconfigured for our purposes here integrity amounts to premise-wise sensitivity on the part of collective bodies. List and Pettit (2006: 387) indicate that any group required to be responsive to reasons as a body will be subject to a principle of integrity.

[8] See also Curtin (1999: 153–192) and Norton (2005: 356–439) for two excellent treatments of the comparative success of open, civic engagement over competition.

[9] See Norton (2005: 425f) for an excellent example of the dangers of avoiding political deliberation through the exclusion of stakeholders.

[10] Kai Lee makes a similar appeal to collective accountability in the democratic form of accountability attributed to 'civic science' (1993: 183). And the need for collective, holistic and presumably collectively accountable decision making can be seen in Gundersen (1995). In the work of these authors we can also see the importance of maintaining stability, in the sense of collective accountability, while still maintaining an adequate degree of flexibility. These positions are clearly congruent with the thesis advanced in this paper.

[11] There is an implicit reliance on stability in the sustainability literature. See Arias-Maldonado (2007), Norton (2005) and Sagoff (2004) for a few of many examples. As these authors make clear, stability does not indicate an insensitivity to change.

[12] The difficulty of maintaining dominant success with a large public agenda can be seen in Heath (2006). Heath argues that maximising success along one value vector is likely to involve sacrifice on another. As long as policy decisions are not independent, one from another, one would expect that maximising a single value as a means of resolving the dilemma would result in great sacrifices. In this regard,

the dictatorial control strategy would be self-defeating as long as that control was tied to a single value-driven and reason insensitive point of view.

[13] Mark Sagoff (1988) makes a related point when he emphasises the importance of making political decisions as citizens, rather than relying entirely on economic considerations.

[14] This is one lesson we might take from the truism that under certain conditions we are much smarter collectively (aggregatively) than individually. See Surowiecki (2005).

[15] Just as we saw above that dictatorial control can resolve the dilemma, but only at the expense of reasonable political processes, *prioritisation* also serves as a means of resolving the dilemma. One way of characterising the importance of precedence in environmental policy is to claim that premises should be given priority over the conclusions arrived at by individual deliberators, hence the difference between premise and conclusion based approaches is a matter of priority (List 2006: 394–8).

[16] If we think of policy determinations as the results of integrating a range of different viewpoints over the long term, we should expect, ideally, that those different viewpoints would converge on policy. There are clear affinities between the integrative approach to deliberation and Bryan Norton's (1991) Convergence Hypothesis. Exploring the connections between integrity as a heuristic for environmental policy and Norton's Convergence Hypothesis is beyond the scope of this paper; but we should note that Norton's reliance on a pragmatic conception of truth and value will likely weaken the contrast between individual rationality and collective rationality.

[17] Ben Minteer (2005) offers an alternative account of the public interest very much in line with the position I here present. Following the work of John Dewey, Minteer argues that the public interest should be found through a free process of cooperative enquiry, rather than a competitive process relying exclusively on the satisfaction of individual references. The integrative approach indicates one way of focusing policy formation on just this sort of cooperative endeavour.

[18] I owe this point to an anonymous reviewer.

[19] This is one lesson to be taken from Kai Lee's *Compass and Gyroscope* (1993), a work with which I am extremely sympathetic.

[20] Notably, the arguments Arias-Maldonado (2007) assembled for a green defence of deliberative democracy roughly parallel the conditions under which the integrative strategy is appropriate.

[21] For this common trend in environmental policy analysis, see Bulkeley and Mol 2003; Bostrum 2003; Davies 2001; Owens 2000.

[22] I would like to thank Mark Sagoff, Andrew Light and two anonymous reviewers for comments on earlier drafts and presentations of this paper.

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